

REMARKS

The Claim Amendments

Applicants have amended claim 25 to recite the term “cancer” in place of the term “cnacer” to correct a typographical error.

Applicants acknowledge that claims 20-21 are withdrawn from consideration because they are drawn to non-elected inventions.

The amendments to the claims add no new matter. Their entry is requested.

The Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

“I. Claims 1, 2, 4-6, 10-11 and 22 drawn to a composition comprising (a) fludarabine and (b) a compound of formula (A), classified in class 514, subclasses 374 and 534.

II. Claims 23-25 drawn to a method for inhibiting tumors and cancer in a mammal comprising the step of administering to said mammal a composition comprising (a) fludarabine and (b) a compound of formula (A), classified in class 514, subclasses 374 and 534.”

In response, applicants elect Group I, without traverse, for further prosecution in this application. This election is made expressly without waiver of applicants' rights to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or in other applications claiming benefit herefrom.

Pending allowance of claim 1, applicants request the rejoinder of methods claims 20-21 and method claims 23-25 (Group II) pursuant to MPEP §821.04.

In view of the above, applicants request that the Examiner examine claims 1, 2, 4-6, 10-11 and 22 (Group I) in this application. Applicants request favorable consideration and early allowance of the pending claims.

Conclusion

Applicants respectfully request that the Examiner consider the foregoing remarks and allow the pending claims to pass to issue.

Respectfully submitted,

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